



**Written Testimony of Representative Garey Bies
Senate Committee on Public Health, Human Services & Revenue
Assembly Bill 93 – Providing Tobacco Products to Minors**

Good morning Committee members. I appreciate the opportunity to submit my testimony in support of Assembly Bill 93, relating to providing tobacco products to minors. I will be brief.

Assembly Bill 93 is a very simple bill and was first brought to my attention by an assistant district attorney from my district. This bill aims to close a loophole in Wisconsin law as it pertains to providing tobacco products to minors.

Currently, it is against the law to purchase cigarettes and provide those cigarettes to minors. However, this prohibition does not extend to other tobacco products. Assembly Bill 93 very simply extends this prohibition to cover other tobacco products.

While this legislation may be simple, its importance should not be underestimated. We are all familiar with the health hazards associated with smoking, but other types of tobacco products are not safe alternatives to cigarettes. As the cost of a pack of cigarettes rises ever higher, it is important that our youth do not turn to other tobacco products. Current law enables our youth to obtain tobacco products legally. Assembly Bill 93 will close this loophole.

In addition, the legislation was amended during the Assembly committee process to extend this prohibition to providing to a minor any non-tobacco nicotine product that is not intended to help a person quit smoking. Currently we are unaware of any such products on the market; however the negative health effects of nicotine make this preemptive move warranted. With this amendment, AB 93 passed the Assembly on a voice vote in late October. I am hopeful that AB 93 can receive the approval of this committee and the entire Senate and be signed into law this spring.

Again, thank you for the opportunity to testify in support of Assembly Bill 93. I would be happy to answer any questions you may have.

First for Wisconsin!

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TO: Chair, Senator Pam Galloway
FROM: Members, Senate Committee Public Health, Human Services and Revenue
RE: Steve Elliott, Health First Wisconsin, and Home to Smoke Free Wisconsin
Assembly Bill 93, relating to purchasing tobacco products on behalf of a minor
DATE: January 19, 2012

Thank you for holding a public hearing on AB93. Since no tobacco is safe to use in any form and illegal for young people, we applaud efforts to equalize the code and penalties between possession of cigarettes and other tobacco products. The market of products that are not cigarettes has exploded and we are seeing startling increases in youth use. Especially disturbing is the increase of candy or fruit flavored little cigars and cigarillo's that are clearly marketed to children. Candy flavored grape cigars clearly weren't designed for adults.

While this legislation is important, we could encourage the committee to take a comprehensive approach to this serious issue of youth tobacco use. So while we have made much headway in reducing youth smoking cigarettes, we are seeing other tobacco numbers rise in fast. Please refer to the fact sheet by the Campaign for Tobacco Free Kids as to why we urge you to move quickly on this threat of other tobacco products:
<http://www.tobaccofreekids.org/research/factsheets/pdf/0231.pdf>
The longer you wait the more kids that will be stuck in a cycle of addiction that can be averted with action from this body.

Some items the committee might want to consider:

- Similar dangers should equal similar strategies that have been effective: Raise the cap on the cigar tax to equal the tax rate on 10 cigarettes.
- Establish minimum tax rates for each major type of OTP based on the state cigarette tax as the harms from these products cost business and the Medicaid program roughly the same in health care costs.
- Fix definitions that could allow some new types of tobacco products to slip through the cracks and escape taxation.
- Increase penalties for tax evasion and contraband trafficking.
- If parents and schools aren't aware of the threats they can't help prevent kids from being addicted. These products are in packaging that looks like gum and candy – ensure that education can happen all over the state. Allocate new revenues part of the increase to restore state funding for tobacco prevention, including funding for the state Medicaid program's tobacco use cessation assistance, each fiscal year.

We urge you to pass AB 93 as amended and encourage you to take additional steps to reduce the access of other tobacco products to children as the dangers are well documented and future costs to employers and state staggering.

TO: Members, Senate Committee on Public Health, Human Services, Revenue
FROM: Melissa Horn, American Heart Association
RE: Assembly Bill 93, relating to purchasing tobacco products on behalf of a minor
DATE: January 19, 2012

Thank you for the opportunity to submit testimony in support of Assembly Bill 93. This legislation expands the prohibition on purchasing cigarettes on behalf of a minor to include purchasing other tobacco products for the same purpose. **The American Heart Association supports efforts to reduce youth access to tobacco and urges the committee to support this bill.**

The tobacco industry continues to evolve in rolling out new products that are appealing to kids and young people. In fact, it is estimated that the tobacco industry has nearly tripled their advertising and promotion of smokeless tobacco in recent years, spending \$270 million in Wisconsin alone. It is no wonder 84% of high school students report having seen a tobacco ad and the number of users of these products is growing.

Of further concern, some of these tobacco products come in grape, watermelon, cherry and even chocolate flavors which entice young buyers. Still more, these products can look strikingly similar to other marketed goods in terms of packaging and can be significantly cheaper in price too.

With regards to sales, according to the Wisconsin Youth Tobacco Survey, nearly 30% of high school smokeless users are getting tobacco products from an adult. This is why this legislation addresses a needed change to current Wisconsin law.

The bottom line is that we know that no tobacco product is safe to consume - whether smoked, chewed, or used as dry or moist snuff. Tobacco use increases the risk of heart attack, fatal stroke, certain cancers and other chronic diseases. Picking up these habits at a young age increases your risk for poor health and a shortened lifespan.

Thank you for your consideration of Assembly Bill 93 and please continue to work to update our laws to keep up with the growing tobacco market and reduce youth access to these addictive and dangerous products.

Please feel free to contact me at 314.952.4742 or Melissa.Horn@heart.org with any additional information you may need.